

REMARKS

Responsive to the Office Action of October 1, 2004, Applicant has amended the claims to more clearly define the invention. The application stands rejected over the Helenick patent in view of the Fabry et al. patent under 35 U.S.C. 103.

The Helenick patent is a thermal glove fitted to a human hand and having integrated with the body of the glove a thermal, gel-filled pack. The gel pack includes a sealed bladder constructed of a flexible material resistant to heat and rupture. The bladder encloses a thermal gel adapted for heating and cooling which is used for heating and cooling the hand. The gel pack is removably placed within a pocket integrated with the body of the glove which is adapted to removably receive the gel pack. This allows the gel pack to be removed for heating or cooling. The glove is a five digit design in which the gel pack is removably attached to a pocket in the backhand side of the glove. The glove may also provide a support cuff extending up the forearm of the wearer for comfort and to prevent injury when used by technical workers, such as computer users and laboratory workers.

In contrast, the present therapeutic glove is for exercising the hand while simultaneously applying heat or cooling to the

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entire hand. The glove includes a first glove half formed of a flexible material and shaped to cover one side of a person's hand and having a plurality of cells formed therein filled with a viscous material. The second glove half is formed of a flexible material and is shaped to cover the other side of a person's hand and is removably attached to the first glove half and also has a plurality of cells formed therein and filled with a viscous material. The material is a viscous clay. Attaching means allow the first glove half and the second glove half to be removably attached to each other over a person's hand. This attachment allows the glove to be easily attached to a person's hand who might otherwise have difficulty inserting the hand into a glove because of arthritis or other disability in movement of the hand and allows heat or cold to be applied to the hand from the viscous clay on both sides of the hand while the hand is being exercised by movement against the viscous clay.

The Helenick patent does not provide a therapeutic glove for exercising the hand while heating and cooling the hand and which has a first glove half having a plurality of cells and filled with a viscous clay and does not have a second half also formed and filled with a viscous material which is removably attached to the first half and does not have an attaching means for attaching the

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first half to the second half of the glove over a person's hand to provide the viscous clay covering both sides of the hand to allow not only a therapeutic application of heat to the hand but simultaneously allow the person to exercise the muscles of the hand, fingers and wrist.

The Fabry et al. patent is a protective glove having closed and isolated fluid filled shock absorbing cells. This invention provides a protective glove designed to protect the wearer's hand from blows or impacts against the back of the hand. It does not provide a therapeutic glove for exercising the hand during the application of heat to the person's hand and does not have first and second halves of the glove removably attached to each other with attaching means for attaching the first and second halves over the person's hand and does not use a viscous clay.

It is also believed it would be unobvious to combine the Helenick patent with the Fabry et al. patent inasmuch as the Helenick patent is a removable gel pack for placing in a glove which is removed for heating and cooling and then supported on the back hand of the glove while the Fabry et al. patent is merely a protective glove also placed on the back of the hand as protective cushioning. You cannot exercise the hand in a clay kneading

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fashion with cushioning or a heating compound on the backhand side of a glove.

The Granich et al. patent is a shock absorbent protective glove for use as an under glove in conjunction with a baseball or softball mitt. The Colasante patent is a microwave reheatable clothing and toys and is an article of apparel and a method of storing heat in the apparel which specifically includes a glove having a reservoir therein for microwaving to heat the reservoir. The Johnson patent is a batting glove for use in softball and baseball where wooden or metallic bats are used and provides pads located between the joints and over the palm of the hand. The Tourbier et al. patent is a dorsal metacarpal bladder and restraint for a mechanical counter pressure glove for use in outer space. The Estwanik patent is a hand and wrist stabilization device used to reduce relative movement of internal hand elements during impact resulting from striking and punching activities.

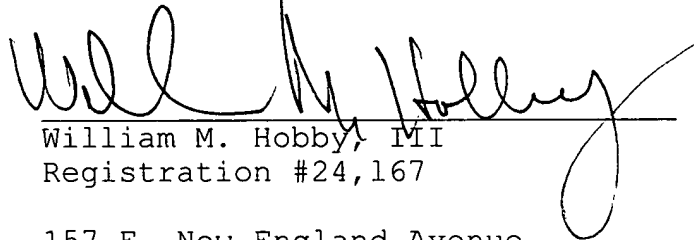
Applicant believes that the present application as amended patentably distinguishes over the prior references and would be unobvious to a person of ordinary skill in the art in view of the combination of the Helenick and Fabry et al. patents in that these patents do not teach the specific elements of the invention as claimed and in that it would be unobvious to a person of ordinary

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skill in the art to combine the references except in hindsight of Applicant's disclosure. Even so, the combination would still teach something different from Applicant's invention. The combination would teach a thermal gel placed on the backside of the hand but would not provide therapeutic gloves specifically for exercising the muscles of the hand, fingers and wrist while applying heat to the person's hand.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

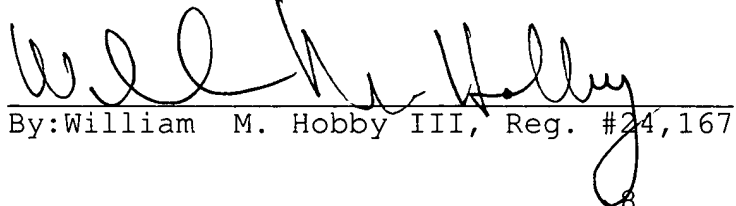


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